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SUBJECT: COLOMBIA'S FIFTH ANNUAL ANTI-TRAFFICKING IN PERSONS (TIP) REPORT

REF: SECSTATE 273089

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[1](#)1. (U) Embassy point of contact on trafficking in persons is human rights officer Kiersten Stiansen, phone number (571) 383-2122, fax number (571) 315-2163. Officer spent 55 hours preparing report.

[1](#)2. (U) Responses are keyed to questions as noted in paragraphs 18-21 of reftel.

Overview

3.A. (SBU) Colombia is a significant source of trafficking victims, especially women and children destined for sexual exploitation. Colombia's Administrative Department of Security (DAS), which has responsibilities similar to the FBI and ICE, estimates 45,000-50,000 Colombian women work as prostitutes overseas. According to the DAS, Colombia is the third most common country of origin of trafficking victims in the Western Hemisphere, and every day between 2 and 10 Colombian women leaving the country are victims of trafficking. Some Colombian men are trafficked for forced labor. There is also internal trafficking of women for sexual exploitation, especially by the FARC terrorist organization, and forced conscription into terrorist groups. Female trafficking victims are at a high risk for sexually transmitted diseases, unwanted pregnancies, and forced abortions. In 2004, the International Organization for Migration (IOM) was informed of 141 cases of trafficking in persons. Colombian missions abroad alerted IOM to nine cases.

[1](#)B. (SBU) According to IOM, most trafficking victims go to Spain, Japan, Hong Kong, Panama, Chile, and Ecuador. The primary trafficking routes to Europe remain through Paris and Madrid. The main routes to Japan are via Paris, Madrid, or Miami. Colombia is also used as a transit point for trafficking victims from other countries, usually from South America. Trafficking victims come from the major cities (Bogota, Medellin), the Caribbean Coast (Barranquilla and Cartagena), Valle del Cauca and Norte de Santander departments, and the departments of the so-called "Coffee Zone" (Risaralda, Caldas, and Quindio). Internal trafficking also occurs, with victims brought from small towns and rural areas to large urban centers with active sex industries, including Bogota, Medellin, Cali, and Cartagena.

[1](#)C. (SBU) According to IOM, the Netherlands is no longer one of the major destination countries for Colombian victims. As a result of information campaigns and increased education on the problem of trafficking in persons by international organizations and local NGOs, in coordination with the GOC, DAS/Interpol has noticed an increased knowledge and awareness of the problem among the general population.

[1](#)D. (SBU) The Inspector General's Office ("Procuraduria") is working to increase its efforts to understand the places of origin, transit, and destination in international and internal trafficking in persons. The Rebirth Foundation ("Renacer"), in coordination with the National Human Rights Ombudsman's Office ("Defensoria del Pueblo"), the Bogota Chamber of Commerce, and the Government's Institute for Family Welfare (ICBF), has carried out research into the sexual exploitation of children. In 2004, new anti-trafficking studies were initiated in eleven areas of the country in order to develop strategies for prevention and set up local anti-trafficking programs where needed.

[1](#)E. (SBU) Colombia is not a destination point for victims trafficked internationally.

[1](#)F. (SBU) Most traffickers in Colombia are linked to narcotics trafficking or other criminal organizations. Most trafficking organizations include both Colombians and criminals from countries of destination. Colombia's continuing economic difficulties, high unemployment, crime, and terrorism contribute to the availability of victims.

Traffickers especially target females, between 14 and 30 years of age, with limited education and poor job prospects. They also target young single mothers. They use a variety of techniques to recruit women. According to the DAS, criminal gangs frequently allow trafficking victims to return to Colombia if they agree to recruit additional victims. These organizations also place advertisements in major regional newspapers offering jobs in Europe or Asia as nannies, maids, waitresses, sales clerks, and models. They also advertise in internet chat-rooms and marriage agencies. Once contact has been established, criminal gangs move quickly to send victims overseas before they have a chance to reconsider or contact family. In addition, women are brought to the airport at the last possible moment to minimize potential surveillance prior to departure. The victims are also trained to memorize a fictitious cover story to convince immigration authorities in the destination country. According to the DAS, 90 percent of victims leave Colombia legally. In cases where women have left children behind, criminal gangs have threatened to harm the children in order to keep the women working overseas.

1G. (SBU) There is political will at the highest levels of the GOC to combat trafficking in persons. The GOC has an Inter-Agency Committee to Combat Trafficking in Women and Children -- created by Decree 1974 of 1996 -- which includes the Ministry of Justice and Interior, Ministry of Foreign Affairs, the office of the Presidential Advisor on Women's Issues, DAS, Interpol, the National Police, the Institute for Family Welfare (ICBF), Presidential Office for the Defense of Human Rights, and the offices of the Prosecutor General ("Fiscalia"), Inspector General ("Procuraduria"), National Human Rights Ombudsman ("Defensoria del Pueblo"), and National Civil Registrar. The Committee meets every four months and has prepared information campaigns, promoted information exchange between government entities, created trafficking hot lines for victims, and encouraged closer cooperation between the Government and Interpol. Some of their accomplishments during the past year included strengthening cooperation between the various government institutions involved in anti-trafficking measures, suggesting activities to combat trafficking in persons, and coordinating the design and implementation of an information system and database to monitor the activities of criminal gangs and potential victims.

1H. (SBU) Colombian government officials do not facilitate nor condone trafficking. Neither the DAS nor the Prosecutor General's Office has received any information about the involvement, or possible involvement, of government officials in trafficking in persons.

1I. (SBU) The effectiveness of anti-trafficking efforts is hampered by limited government resources to help victims. The government therefore works closely with international organizations, international donors, and NGOs on this issue.

1J. (SBU) The Government frequently monitors its anti-trafficking initiatives and makes available its information on anti-trafficking efforts. All agencies of the government working against trafficking -- as listed in paragraph 3.G. -- work closely with the IOM and other NGOs. The GOC also shares its information, best practices, and lessons learned with other governments in the region. For example, the GOC participated in two conferences sponsored by IOM in July and October with representatives of the USG and the Government of the Dominican Republic in attendance. At the July conference, the Inspector Generals of Colombia and the Dominican Republic signed a "Letter of Intention" to strengthen their fight against trafficking in persons. At the end of 2004, at the invitation of the OAS, an official of the Office of the Inspector General of Colombia participated in seminars in La Paz and Quito, sharing the Office's experiences working to combat trafficking in persons.

1K. (SBU) Prostitution by adults is not considered a crime in Colombia, although the activities of pimps and other enforcers are criminalized. The legal minimum age for prostitution is 18 years. Prostitution is permitted in so-called "tolerance zones" in various cities. In these areas, the Institute of Urban Development monitors establishments of prostitution.

Prevention

4.A. (SBU) The GOC acknowledges that trafficking in persons is a significant problem in Colombia.

1B. (SBU) Agencies involved include the Ministry of Justice and Interior, the Ministry of Foreign Affairs, the Office of the Presidential Advisor on Women's Issues, DAS/Interpol, the National Police, the Institute for Family Welfare (ICBF), the Presidential Office for the Defense of Human Rights, and the Offices of the Prosecutor General, Inspector General, Human Rights Ombudsman, and National Civil Registrar.

1C. (SBU) In March 2004 the Administrative Department of the Presidency and the Office of the Presidential Advisor on Women's Issues signed a cooperation agreement with the IOM to strengthen TIP prevention efforts. During the year, the Office of the Presidential Advisor was involved in prevention activities, such as the distribution of material about trafficking in persons and violence against women, in 1,098 municipalities and all of the country's 32 departments (provinces). The Rebirth Foundation participated, along with the Institute for Family Welfare (ICBF), the UN Office on Children (UNICEF), the Bogota and Cartagena City Councils on Sexual Exploitation, and the Children's Protection Network, in a wide variety of local and regional projects for improving knowledge and awareness and generating action strategies on the prevention of sexual exploitation. Additionally, the IOM continued its major anti-trafficking national campaign, which included placing large posters in airports, foreign consulates, and travel agencies, and running professionally produced public service announcements on television. The Hope Foundation, an NGO, also placed posters, bookmarks, and anti-trafficking manuals in foreign consulates and airports.

1D. (SBU) Government programs designed to empower women may have a positive long-term effect on Colombia's trafficking problem. Such programs include a quota law that requires departmental and municipal authorities to place women in 30 percent of all appointed positions. The Office of the Presidential Advisor on Women's Issues also has numerous programs. For example, the Office has pushed for the inclusion of gender in analyses of national violence and has trained public officials on the defense of women's and children's human rights. They have worked to make sure the issue of trafficking in persons is included on bilateral agendas and have empowered women who are heads of families through the development and strengthening of micro-enterprises. Through December 2003, 4,588 individual project proposals from 52 different cities were received by the Office, 2,776 of which were considered viable and benefited 4,889 women. The Office also sponsored the first "National Fair of Businesswomen" in June 2004 in Bogota, which enabled businesswomen to exhibit their products and speak with each other. The Office also created a Gender Issues Review (OAG) to investigate, document, sensitize, and make visible gender equality issues, with the goal of formulating recommendations to close the inequality gap.

1E. (SBU) The GOC has a limited ability to financially support prevention programs. Still, the Inspector General's Office for the Defense of Minors and Family works to ensure that the legal instruments ratified by Colombia are followed, and implemented a monitoring system in 10 departments which allows State entities to intervene in trafficking in persons cases that come to the authorities' attention. These cities are Armenia, Barranquilla, Bucaramanga, Buga, Cali, Cartagena, Ibague, Medellin, Neiva, Pasto, and Pereira. The Office has also addressed the topic of TIP with private enterprises, such as the banking sector, promoted strategic alliances with international organizations, and created an observer's office on organized transnational crime that began in 2004. The Inspector General's Office also participated in the "Vitrina Turistica", an event held by the Association of Travel Agencies and Tourism (ANATA), in which they shared information about TIP.

1F. (SBU) The GOC has good relations with NGOs, other relevant organizations, and other elements of civil society interested in trafficking in persons issues. In February 2005, with the support of the Ministry of Labor, the Hope Foundation published "Metamorphosis of Slavery: Legal Manual in Trafficking in Persons." The presentation of the manual was attended by the Minister of Interior and Justice and representatives of the Prosecutor General's Office, the DAS, the National Police, and the Human Rights Ombudsman. The manual will be used by government officials and others as a legal tool on trafficking in persons.

1G. (SBU) Colombia has good control over its international airports, with a sophisticated system for tracking passenger arrivals and departures. However, its maritime and land borders are porous and vulnerable to exploitation, including by criminals who traffic in persons. Nevertheless, the vast majority of trafficking victims leave the country legally. The DAS works closely with migration authorities in the international airport in Bogota and has had success in detecting potential trafficking victims. The DAS speaks with potential victims to inform them the job they were offered might not be a reality and to try to persuade them to change their decision and cooperate with the authorities. One NGO, with the cooperation of the DAS, sends representatives to Bogota's international airport to watch for potential trafficking victims. Additionally, in February 2004, the Hope Foundation, with the support of the IOM, launched an information campaign to assist travelers in Bogota's international airport. Travelers will be able to register with the Foundation, view information on trafficking, and

have access to the addresses and phone numbers of the Colombian consulates throughout the world through a kiosk in the international terminal. This information is also available on a new internet site.

H. (SBU) As noted previously, the government has an inter-agency committee to combat trafficking in persons. Additionally, in December 2004, the Prosecutor General's Office signed an agreement with the IOM to create a Unit within the Prosecutor General's Office dedicated entirely to the investigation and prosecution of crimes related to trafficking in persons. This unit, which has just begun operations, includes 5 officials of the Prosecutor General's Office and 15 officials of the National Police, DAS/Interpol, and the Prosecutor General's Corps of Technical Investigators (CTI).

I. (SBU) In July 2003, the IOM implemented a major anti-trafficking public relations campaign to raise awareness in Colombia. This campaign continued through February 2005 and included placing large posters in airports, foreign consulates, and travel agencies and running professionally produced public service announcements on radio and television, with the cooperation of the GOC. In 2004, the Call Center, which was put into effect by the IOM in 2003 and allows callers to phone in anonymously to ask about the legality of job offers and provide information on potential trafficking cases, received 4,897 calls. In addition to the agreements signed with the Office of the Presidential Advisor on Women's Issues and the Prosecutor General's Office, the IOM signed an agreement with the Inspector General's Office to strengthen their cooperation in the fight against trafficking. IOM also set up roundtable discussions between Colombian government officials and various local embassies to discuss anti-trafficking laws, visa laws, and victims assistance in their home countries. The U.S. Embassy was scheduled to participate in this exchange in March 2005.

J. (SBU) There is no single GOC entity responsible for anti-trafficking efforts, nor is there an approved national plan. However, the Office of the Presidential Advisor on Women's Issues and the Ministry of Interior and Justice, in coordination with the United Nations Office on Drugs and Crime, were working on the development and implementation of a comprehensive national strategy to combat trafficking in persons and support the justice system in preventing, investigating, and sanctioning trafficking crimes. The first phase, which included the development of the strategy, the design of international cooperation agreements, and the preparation of a study about trafficking, was nearing completion.

K. (SBU) The agencies involved in the Inter-Agency Committee to Combat Trafficking in Persons all participate in anti-trafficking programs with the government.

Investigation and Prosecution of Traffickers

5.A. (SBU) Law 599 of 2000 made penalties for trafficking for purposes of prostitution equivalent to those for rape and sexual assault, carrying penalties of 6 to 8 years in prison and fines of up to 100 times the monthly minimum wage. Law 747 of July 2002 broadened the definition of trafficking in persons and provided for prison sentences between 10 and 15 years and fines up to 1,000 times the monthly minimum wage. Law 890 of 2004, which entered into force on January 1, 2005, further increased these penalties to 13 to 23 years in prison and fines of up to 1,500 times the monthly minimum wage. These penalties can be increased by up to one-third if there are aggravating circumstances, such as if the crime is committed against a minor (less than 18 years of age), the victim is mentally challenged, or the trafficker is a family member or public servant. If the victim is under 12 years of age, the penalty is increased by half. Additional charges of illegal detention, violation of the right to work in dignified conditions, and violation of personal freedom also may be brought against traffickers. According to Law 747 of 2002, forcing someone into prostitution is punishable by 5 to 9 years in prison and a fine of up to 500 times the monthly minimum wage. These penalties can be increased up to one-half if the victim is under 14 years of age, if the criminal plans to take the victim out of the country, or if the criminal is a family member. Penalties are also increased if the victim is under 18 years of age. Child pornography in any form is also criminalized with punishments of up to 10 years in prison and a fine of up to 1,000 times the monthly minimum salary. These penalties are increased by half if the minor is 12 years or younger.

B. (SBU) Penalties for traffickers are described above.

C. (SBU) Law 599 of 2000 criminalized rape (Article 205) and forcible sexual assault (Article 206). Law 890 of 2004 increased the penalties for rape and sexual assault. For

rape the minimum sentence rose from 8 years to 10 years and the maximum from 15 to 22 years. For sexual assault the minimum rose from 3 to 4 years and the maximum from 6 to 9 years.

1D. (SBU) In accordance with Law 360 of 1997, the Prosecutor General's Office created a unit to investigate and prosecute sexual abuse crimes, including trafficking in persons. In 2004, the Prosecutor General's Office had 20 new cases related to trafficking in persons that involved 19 adult women and one child. By the end of the year, no sentences had been handed down in these cases. They also had over 300 cases in their offices in various stages of the judicial process and investigation. In January 2005, a new anti-trafficking in persons unit was created in the Prosecutor General's Office. The unit has just started its functions in a building provided by the Prosecutor General's Office at Calle 35 No. 4-31 in Bogota. On January 1, 2005, Colombia also began its adoption of an accusatory judicial system. This change should allow for quicker, more transparent resolutions to cases.

1E. (SBU) According to the police and DAS, most traffickers are linked to narcotics or other criminal organizations. In some cases, Colombian traffickers sell victims to foreign crime organizations; this is especially the case with Japanese crime syndicates. Government officials are not involved in trafficking.

1F. (SBU) The government actively investigates trafficking cases. When information is passed regarding a possible case of trafficking in persons, it is analyzed according to protocols of investigation under the direction and coordination of the Prosecutor General's Office. The National Police and DAS/Interpol, which has an eight-person unit dedicated to investigating trafficking in persons crimes, take the lead in such investigations.

1G. (SBU) The International Organization for Migration (IOM) has provided training for government officials on how to recognize, investigate, and prosecute cases of trafficking in persons. In particular, it has been working with the Ministry of Foreign Affairs to train its career diplomats on how to spot and deal with trafficking victims. In 2004, the IOM trained 2,982 public officials from various government agencies in 38 different regional training sessions on the applicable regulations for this crime, including members of the National Police, DAS/Interpol and the Prosecutor General's Office. The Hope Foundation, through the publication of its legal manual on trafficking in persons, is also assisting in the training of government officials.

1H. (SBU) The GOC cooperates with other governments in the investigation and prosecution of trafficking in persons. This past year, DAS/Interpol worked with the governments of Panama, Spain, Japan, and Jamaica in cases involving trafficking in persons. DAS/Interpol notes they receive their best coordination from the Government of Spain. For example, a Spanish citizen was working in the coffee region of Colombia trying to recruit victims to send to Spain for sexual exploitation. This individual had developed a network to find victims and then had a network in place to receive, transport, and exploit the victims in Spain. Interpol Colombia, working with its Spanish counterpart, was able to arrest this individual, after which he was deported to Spain and sentenced to 18 years in prison.

1I. (SBU) The GOC can extradite persons charged with trafficking in other countries. The GOC can extradite its own nationals. However, there were no such extraditions for persons charged with trafficking in the period March 2004-February 2005, and no requests for such extraditions, according to the Ministry of Foreign Affairs.

1J. (SBU) There is no evidence of government involvement in or tolerance of trafficking.

1K. (SBU) No government officials have been implicated in trafficking in persons crimes.

1L. (SBU) Colombia has stringent laws in place to protect children who are forced into prostitution.

1M. (SBU) ILO Convention 182 on the Worst Forms of Child Labor was ratified on January 15, 2005. In November 2003, Colombia ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, which entered into force in December 2003. The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, was ratified in August 2004. Colombia ratified ILO Convention 29 in 1969 and ILO Convention 105 in 11963.

6.A. (SBU) Colombian consulates worldwide are supposed to provide legal and social assistance to Colombian citizens in need, including victims of trafficking. The GOC has contracted legal advisors and social workers to help support Colombians abroad. However, this type of assistance can only be provided in consular districts with at least 10,000 resident Colombians. The Colombian Embassy in Japan, under

Ambassador Francisco Sierra, has taken a number of measures to assist trafficking victims. The Embassy has engaged local police authorities and the Japanese government on this issue.

It has helped Colombian victims and assisted in the process of repatriation. The assistance of the Ministry of Foreign Affairs and/or the Embassy begins the moment information is provided by a family member or friend in Colombia or the victim gets in touch with the Embassy, which then coordinates with local authorities to provide immediate protection. The GOC has no specific program for assisting trafficking victims once they return to Colombia, but trafficked minors can receive some assistance. For example, of the 25,000 children sexually exploited in Colombia, the Family Welfare Institute (ICBF) provided assistance, both directly and through other specialized agencies, to over 14,400 in 2003.

1B. (SBU) The IOM and the Hope Foundation have provided short-term assistance to trafficking victims, including educational information, social support, and counseling. The IOM provided victims with job training and employment opportunities through programs in 13 regional departments. These projects have had over 900 direct beneficiaries. For example, the IOM has assisted victims in Bogota, Medellin, Cartagena and the coffee region. IOM also helped victims obtain necessary medical and psychological care. The Rebirth Foundation continues its work to contribute to the eradication of the sexual exploitation of children and adolescents. Its current activities include outreach work through the targeting of areas where children in prostitution are known to be found, funding a day center which offers education, health care and activity-based workshops in a variety of areas, and a long-stay home which helps adapt children from street life to the routines of living in a house with others and encourages social integration and friendship. Vocational skills, educational training, and therapy are also provided.

1C. (SBU) The GOC provides information to international organizations and NGOs on cases related to victims or potential victims of trafficking in persons. For example, in 2004, Colombian missions abroad referred nine cases of trafficking in persons involving Colombian victims to IOM Colombia.

1D. (SBU) The rights of trafficking victims are respected and the government encourages victims to assist in the investigation and prosecution of trafficking. However, the frequent intimidation of witnesses and the GOC's limited witness protection program deters many victims from coming forward to assist in possible trafficking crimes. The new Anti-Trafficking Unit of the Prosecutor General's Office, however, created a victim-friendly environment for interviews to help increase the number of trafficking crimes reported to state authorities.

1E. (SBU) The government encourages victims to assist in the investigation and prosecution of trafficking. The rights of victims to seek legal redress are not impeded. However, many victims, fearing for their own safety or that of their families, are often reluctant to come forward.

1F. (SBU) The Rebirth Foundation provides day and long-term shelter to children and adolescents who have been victims of sexual exploitation. The day center offers education and activity-based workshops in a variety of areas, as well as free health care, meals, therapy, and referrals to a residential home, drug detoxification clinic, or home for pregnant teens. The long-stay home helps adapt children from street life to the routines of living in a house with others and encourages social integration and friendship.

1G. (SBU) With the strong support and cooperation of the GOC, the IOM has provided specialized training to consular officials, as well as officials from DAS/Interpol, the Prosecutor General's Office, the National Police, and the Inspector General's Office, on the problem and prevention of trafficking in persons, as well as on protection of victims. Colombian embassies, most notably its Embassy in Japan, have developed good relationships with NGOs and international organizations and report suspected cases of TIP to them. The IOM organized two conferences in 2004 between the Governments of Colombia, the Dominican Republic, and the United States to share experiences and best practices in combating TIP.

1H. (SBU) IOM and other NGOs, with the assistance of the GOC, provide assistance to repatriated victims, such as counseling, job training, and health care. The Ministry of Foreign Affairs assists Colombian victims abroad and refers such cases to relevant organizations in Colombia.

1I. (SBU) The IOM and the Hope Foundation are the two main groups working with and for trafficking victims. They receive excellent cooperation from local and national authorities. The Rebirth Foundation works with children and adolescents who are victims of sexual exploitation. The Foundation Against Trafficking in Persons put its projects on hold in 2004 due to lack of funding.

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